

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION
(Pre-publication of Notice Statement)

Amend subsection (b), Section 7.00 And subsections (b)(38), (b)(78),
(b)(103.5), (b)(134), (b)(141), (b)(196), (b)(198),
(b)(205), (b)(211), Section 7.50
Title 14, California Code of Regulations
Re: Sierra District Catch and Release Winter Trout Season

I. Date of Initial Statement of Reasons: July 5, 2006

II. Dates and Locations of Scheduled Hearings:

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| (a) | Notice Hearing: | Date: August 4, 2006
Location: Sacramento, CA |
| (b) | Discussion Hearing: | Date: October 6, 2006
Location: San Diego, CA |
| (c) | Discussion Hearing: | Date: November 3, 2006
Location: Redding, CA |
| (d) | Adoption Hearing: | Date: December 8, 2006
Location: Santa Monica, CA |

III. Description of Regulatory Action:

- (a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

In 2004, the Fish and Game Commission (Commission) established an open winter season (November 16 through the Friday preceding the last Saturday in April) for 38 miles of the Upper Sacramento River with a zero-bag limit and restrictions to artificial lures with barbless hooks. For the past two winters, the open season on the Upper Sacramento River has been well received by the local communities and has been popular among trout anglers. Surveys indicated that almost two-thirds of the anglers traveled more than 75 miles to fish the Upper Sacramento winter season. The Department of Fish and Game (Department) has recognized that there is an interest for additional trout fishing opportunity in the winter months.

Consistent with the Department's Mission and the Strategic Plan for Trout Management, these proposed regulations are intended to improve and enhance trout fishing opportunities. In addition, Fish and Game Code Section 1727(b) directs the Department to: "...Consider making proposals for zero-limit trout fisheries during seasons otherwise closed by the Commission." The Department's Fisheries Management Committee has recommended pursuing additional opportunities for anglers to fish the winter season on Sierra District streams that have been closed in the past.

Fishery managers have determined that winter season catch-and-release trout fishing with artificial lures and barbless hooks has insignificant, often undetectable impacts to trout populations. Already low hooking mortality rates with artificial lures may be further diminished in winter due to cooler water temperatures. Department surveys conducted on the Upper Sacramento River during the 2004-2005 winter season estimated incidental

hooking mortality of only 242 trout for the 38 miles of stream. Many “Blue Ribbon” streams and trout streams of national significance in the mountainous regions of other western states continue to provide winter season fisheries.

This proposal recommends the establishment of catch-and-release winter season fisheries for a selection of Sierra District streams listed in sections 7.50 and 7.00, Title 14, California Code of Regulations (CCR). These streams are:

1. American River and tributaries, Section 7.00(b)(6)
2. East Fork Carson River, Section 7.50(b)(38)
3. Hot Creek, Section 7.50(b)(78)
4. Little Truckee River, Section 7.50(b)(103.5)
5. Upper Owens River, Section 7.50(b)(134)
6. Pit River, Section 7.50(b)(141)
7. Truckee River, Section 7.50(b)(196)
8. Tuolumne River, Section 7.50(b)(198)
9. East Walker River, Section 7.50(b)(205)
10. North Fork Yuba River, Section 7.50(b)(211)

Along with the proposed winter season fishery on the Tuolumne River (Section 7.50(b)(198)), the Department recommends a minor change to simplify the size limits (which apply to the existing open season) and make them consistent with the fishery management goal for this river. This proposal would change the existing 12-inch minimum size limit to a 12-inch maximum size limit for a 12-mile reach of the Tuolumne River. This simplifying change makes both size limits consistent with the goal of providing “trophy-size” wild trout angling. Both river reaches would continue to have a two-trout limit during the last Saturday in April through November 15 season.

Also, along with the proposed winter season fishery for the North Fork Yuba River (Section 7.50(b)(211)), the Department recommends eliminating the 10-inch minimum size limit which applies during the existing open season. This stretch of the river has a two-trout bag limit, is managed primarily for wild trout, and has a low harvest rate. The Department believes that the reduced bag limit with gear restrictions is sufficient to maintain a quality wild trout fishery. Allowing anglers to take two trout less than 10 inches will not significantly impact the population, making the 10-inch minimum size restriction unnecessary.

Minor changes are proposed to improve the clarity of the regulations.

- (b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 205, 215, 220, 240, 315 and 316.5, Fish and Game Code.

Reference: Sections 200, 205, 206, 215 and 316.5, Fish and Game Code.

- (c) Specific Technology or Equipment Required by Regulatory Change:

None.

- (d) Identification of Reports or Documents Supporting Regulation Change:

None.

- (e) Public Discussions of Proposed Regulations Prior to Notice publication:

No public meetings are being held prior to the notice publication. The 45-day comment period provides adequate time for review of the proposed amendment.

IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

No alternatives were identified.

(b) No Change Alternative:

The existing regulations prevent the opportunity to provide anglers with new, additional trout fishing options that have insignificant effects on the trout populations.

(c) Consideration of Alternatives:

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. There may be modest, localized economic benefits for communities from expenditures by anglers, typically, for purchases of lodging, food, fuel, fishing tackle, etc.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None to modest gains in jobs to provide services for visiting anglers.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs mandated on Local Agencies or School Districts:

None

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

Informative Digest/Policy Statement Overview

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